

Notice of Allowability

Application No.

10/751,161

Applicant(s)

PRUKOP, GABRIEL

Examiner

George Suchfield

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/19/05 Communication.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/10/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/17/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Josetta I. Jones on October 17, 2005, wherein it was agreed that applicant's invention, as disclosed overall, required the first and second chemicals to react, and thus, no basis exists for the newly-added limitation of claim 1, step (c), wherein the first and second chemical "are prepared and mixed". It was further agreed that claim 1 would be amended by Examiner's Amendment to restore the term "react" in step (c) and delete "are prepared and mixed". With respect to claim 8, it was indicated the examiner could find no basis for a "retention enhancing chemical" contributing to the inverting of the emulsion. It was then agreed claim 8 will be amended to indicate the "inverting" simply "occurs as the emulsion warms". Similarly, it was agreed to simplify claim 9 to read "the second chemical is sulfamic acid". It was agreed that the rejection of claim 11 would be dropped insofar as all the species recited are clearly identified in the specification and/or disclosure as comprising a first treatment chemical, and the examiner could not advance any specific reason or basis for asserting that the first and second treatment chemicals would not react or interact, as set forth in applicant's disclosure. Finally, it was agreed that the amendment to the specification set forth in applicant's Amendment dated and entered as 09/19/2005 replaced the paragraph/text from page 8, line 30 to page 9, line 7.

The application has been amended as follows:

In claim 1, line 3 of step (c), the recitation “are prepared and mixed” has been changed to -- react -- .

In claim 8, line 2 and 3, the recitation “is enhanced by an inclusion ... the pH of the emulsion” has been deleted; and in line 3, the term -- occurs -- has been inserted before “as”.

In claim 9, line 2, the recitation “delayed release agent retention enhancing” has been deleted and the term -- second -- has been inserted after “the”.

2. The following is an examiner’s statement of reasons for allowance:

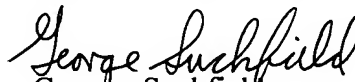
The primary reason for the allowance of claims 1-24 is that none of the references cited, taken either singly or in combination, teach or disclose a method of retaining a treatment chemical in a subterranean formation containing hydrocarbons, as in the claimed combinations, including steps of preparing an emulsion comprising an oil continuous phase and first and second aqueous phases comprising a first treatment chemical and a second chemical, respectively, and causing the first and second chemicals to react such the first treatment chemical is retained in the formation. In this regard, it noted that Kotlar et al (2005/0115710) injects treatment chemical reactants in an emulsion wherein all the reactants are present in a single aqueous phase, while Collins (6,148,913) injects a formulation including chemical reactants in respective phases, but does not comprise an emulsion treatment fluid..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Suchfield whose telephone number is 571-272-7036. The examiner can normally be reached on M-F (6:30 - 3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


George Suchfield
Primary Examiner
Art Unit 3676

Gs
October 17, 2005